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10 Attorneys for Defendant
11 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN FRANCISCO DIVISION
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12 MICHAEL SIMON, individually, and on
13 behalf of all others similarly situated,

14 Plaintiffs,

15 vs.

16 TOSHIBA AMERICA, INC., a Delaware
17 corporation, and TOSHIBA AMERICA
18 INFORMATION SYSTEMS, INC., a
19 California corporation,

20 Defendants.

Case No. C07-06202 MHP

**JOINT STIPULATION TO CONTINUE
STATUS CONFERENCE AND TO
CONTINUE TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.'S
RESPONSE TO PLAINTIFF'S
COMPLAINT; ~~PROPOSED~~ ORDER
THEREON**

Honorable Marilyn H. Patel
Courtroom 15

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information
2 Systems, Inc. ("TAIS") have reached a settlement-in-principle of this action;

3 WHEREAS, given and to facilitate the parties' ongoing settlement efforts, including the
4 preparation of settlement documentation and plaintiff's motion for preliminary approval of the
5 settlement, and to avoid the time and expenses associated with litigation that may become
6 unnecessary, the parties desire to continue to briefly continue the status conference and further
7 continue TAIS's deadline to respond to the Complaint;

8 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
9 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS on the other
10 hand, by and through their respective undersigned counsel, as follows:

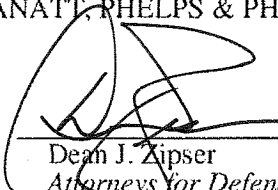
11 1. The status conference currently set for Monday, October 6, 2008, at 3:00 p.m.,
12 shall be continued to Monday, October 20, 2008, at 3:00 p.m., or soon thereafter, subject to the
13 Court's availability. Counsel shall appear telephonically for this status conference;

14 2. TAIS shall have an open extension of time to file and serve its initial response to
15 the First Amended Complaint pending the parties' completion of settlement documentation,
16 subject to revocation by plaintiff's counsel on twenty (20) days' written notice; and

17 3. This Stipulation may be executed in counterparts, each of which shall be deemed
18 an original, but both of which, when taken together, shall constitute one and the same instrument.
19 Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the
20 parties hereto and the Court as though they were original signature pages.

Dated: October 2, 2008

DEAN J. ZIPSER
ADINA L. WITZLING
MANATT, PHELPS & PHILLIPS, LLP

By: 
Dean J. Zipser
Attorneys for Defendant
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.

Dated: October 2, 2008

STUART C. TALLEY
KERSHAW, CUTTER & RATINOFF LLP

MARK J. TAMBLYN
WESLER TORISEVA WALLACE LLP

By: 
Stuart C. Talley
Attorneys for Plaintiff MICHAEL SIMON

ORDER

Based on the foregoing stipulation of the parties and good cause appearing therefor:

1. The status conference currently set for Monday, October 6, 2008, at 3:00 p.m. shall be continued to April 20, 2009 @ 3:00 pm. Counsel shall appear ~~telephonically~~ in person.

2. TAIS shall have an open extension of time to file and serve its initial response to the First Amended Complaint pending the parties' completion of settlement documentation, subject to revocation by plaintiff's counsel on twenty (20) days' written notice.

IT IS SO ORDERED:

Dated: 3/19/2009, 2008

By: 
Honorable Marilyn H. Patel

